

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-16 are pending in the present application, Claims 1, 2, 7, and 11-16 having been amended. Support for the amendment to Claims 1, 2, 7, and 11-16 is found, for example, in paragraphs [00173] and [00194] of the originally filed specification. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 1-16 were rejected under 35 U.S.C. §102(b) as anticipated by Anderson et al. (U.S. Patent Publication No. 2002/0091815, hereinafter Anderson).

Applicants thank the Examiners for the courtesy of an interview extended to Applicants' representative on January 15, 2008. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. No agreement was reached pending the Examiner's further review when a response is filed. Arguments presented during the interview are reiterated below.

With respect to the rejection of Claim 1 as anticipated by Anderson, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*, "determining if the type of status information is present in a second memory, wherein the second memory comprises status information previously extracted from the device through a second protocol." Anderson does not disclose or suggest this element of Claim 1.

In the invention defined by Claim 1, a first protocol is selected. The first protocol is used to retrieve information that includes *a type of status information* for a monitored device. A second memory includes *status information* that was previously extracted from

the monitored device using a second protocol.¹ Then, it is determined whether the type of status information retrieved using the first protocol is included in status information stored in the second memory.

Anderson does not disclose or suggest the claimed “determining if the type of status information is present in a second memory, wherein the second memory comprises status information previously extracted from the device through a second protocol.” The outstanding Office Action appears to take the position that one of the two FIFOs (or message queues) described in paragraphs [0062] and [0063] of Anderson equates to the claimed “first memory” and the other equates to the claimed “second memory.” Applicants respectfully request that the Office clearly indicate which memories in Anderson equate to the claimed first and second memory. The vagueness of the Office Action makes rejection difficult to understand.

The two FIFOs in Anderson are a high priority queue and a low priority queue. Incoming messages from enterprise devices to an RMS will be placed in one of these two FIFOs based on a flag included in the message.² However, Anderson does not disclose or suggest that the information in the high priority FIFO is obtained using a first protocol and that the information in the low priority FIFO is obtained using a second protocol.

Furthermore, Anderson does not disclose or suggest that a determination is made to determine whether information in one of the two FIFOs is in the other of the two FIFOs.

Paragraphs [0062] and [0063] of Anderson are both cited as disclosing the claimed “determining” step and “retrieving” step. The “retrieving” step and the “determining” step are linked by the claimed “the type of status information.” In the determining step, “the type of status information” refers to the type of status information retrieved during the “retrieving.”

¹ Note the distinction between the “type of status information” and the “status information.”

² Anderson, paragraph [0062].

Paragraph [0062] of Anderson merely describes the two FIFOs as being a high priority queue and a low priority queue. Paragraph [0063] of Anderson merely describes that the high priority FIFO is processed before the low priority FIFO. Thus, paragraphs [0062] and [0063] of Anderson do not disclose or suggest the “determining” step.

Furthermore, while paragraph [0035] of Anderson describes that gateway 200 supports HTTP and TCP, there is no disclosure or suggestion in Anderson that the high priority FIFO and the low priority FIFO are built using different protocols (i.e., first protocol and second protocol).

Thus, Applicants respectfully submit that Anderson does not disclose or suggest the claimed “determining if the type of status information is present in a second memory, wherein the second memory comprises status information previously extracted from the device through a second protocol.”

Furthermore, Claim 1 also recites

if (1) the determining step determines that the type of status information is not present in the second memory, or (2) if the determining step determines that the type of status information is present in the second memory, but the checking step determines that the weight of the status information is greater than the corresponding weight associated with the status information of the same type stored in the second memory, accessing the device using the selected communication protocol and the information for extracting the device contained in the information to obtain the status information.

Anderson does not disclose or suggest this element of Claim 1.

The outstanding Office Action relies on paragraphs [0063] and [0036] of Anderson to disclose this element of Claim 1. Paragraph [0063] of Anderson merely describes that messages in the high priority queue are executed before messages in the low priority queue. This is illustrated in Anderson’s Fig. 9. As shown in Fig. 9, the logical progression of the method is not determined by “if (1) the determining step determines that the type of status

information is not present in the second memory, or (2) if the determining step determines that the type of status information is present in the second memory, but the checking step determines that the weight of the status information is greater than the corresponding weight associated with the status information.” The flow chart of Anderson’s Fig. 9 does not show any consideration of the “determining” step.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and any claims dependent thereon) patentably distinguish over Anderson. Claims 7 and 11, although of a different statutory class, recite elements analogous to those of Claim 1. Thus, Applicants respectfully submit that Claims 7 and 11 patentably distinguish over Anderson, for at least the reasons stated for Claim 1.

Moreover, Applicants respectfully submit that Claim 6 further patentably distinguishes over Anderson. Claim 6 recites “The method of claim 1, wherein the weight of the status information indicates a relative informative value of the status information with respect to status information of a same type extracted using another of the plurality of communication protocols.” Anderson describes a high priority flag and a low priority flag in paragraph [0062]. The flags merely indicate that one message is of a higher priority than another message. However, Anderson does not disclose or suggest that the flag indicates a relative informative value of *the status information with respect to status information of a same type extracted using another of the plurality of communication protocols*. As explained above, Anderson does not disclose or suggest that a first protocol is used for one of the two FIFOs, and a second protocol is used for the other of the two FIFOs. Claims 10 and 16 further patentably distinguish over Anderson for the same reasons provided for Claim 6.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)
I:\ATTY\JW\245417us\245417us_AM DUE 2-5-08.DOC

Joseph Wrkich
Registration No. 53,796